IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21776 of 2005

Between:

Smt. S. Rajyalaxmi, W/o. V.V.N.D.L. Prasad,
(under Cancellation Proceedings), 8th Ward,

Tiruvuru (V&M), Krishna District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Nuzvid, Krishna District.
2. The Joint Collector, Krishna, at Machilipatnam.
3. The District Collector, Krishna, at Machilipatnam.
4. The Mandal Revenue Officer, Tiruvuru (M), Krishna District.

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the 3rd respondent in not passing any orders either on the stay petition or on the revision petition filed by the petitioner on 19.09.2005 against the order of the 2nd respondent dated 12.09.2005, the present writ petition has been filed.

The case of the petitioner is that she is a Fair Price Shop Dealer of 8th ward, Tiruvuru village and Mandal of Krishna District and she has been running the said Fair Price Shop since long time. The grievance of the petitioner is that the first respondent had initiated the disciplinary proceedings against her and cancelled her authorization on the ground that she is not residing in Tiruvuru town and her brother Mr. Naveen is running the said Fair Price Shop as benami. Against the said orders, she filed an appeal before the 2nd respondent and the 2nd respondent granted stay of suspension order and thereafter, dismissed the appeal erroneously. Against the orders of the 2nd respondent, she filed a revision petition before the 3rd respondent. Even though she filed a revision before the 3rd respondent, no orders have been passed either on the stay petition or on the revision petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The learned counsel for the petitioner contended that it is not a case of diversion of essential commodities or selling the same in black market. But, the only allegation is that it is a benami transaction. He also further contended that pending the appeal, stay was granted by the 2nd respondent, and therefore, pending disposal of the revision petition, stay may be granted.

On the other hand, the learned Government Pleader for Civil Supplies submits that it is only a suspension pending enquiry and therefore, till appropriate decision is taken by the first respondent, no stay need be granted.

As can be seen from the material available on record and having heard both sides, it seems that it is only for the 3rd respondent to take appropriate decision on the revision petition filed by the petitioner pending before him and it is not a case of serious irregularities alleged to have committed by the petitioner. As it is not a case of diversion of essential commodities or selling in the same in

black market, the 2nd respondent granted stay of the orders of the first respondent pending the appeal before him, and therefore, the same can also be extended to the present writ petition pending disposal of the same.

Having regard to the facts and circumstances of the case and in view of the fact that the revision petition is pending before the 3rd respondent, without going into the merits of the case, I deem it appropriate to direct the 3rd respondent to dispose of the revision petition pending before him, within a period of four (4) weeks from the date of receipt of a copy of this order.

However, it is made clear till appropriate decision is taken by the 3rd respondent either on the stay application or on the revision petition, there shall be interim stay of the order dated 29.10.2004 of the first respondent.

Subject to the above observation, the writ petition is disposed of. No costs.

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(K.C. BHANU, J)

Date: 06.10.2005

Ksn